

13 MAY 2009



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In re Application of  
CHEN et al.

Application No.: 10/563,729

PCT No.: PCT/CN2004/000756

Int. Filing Date: 06 July 2004

Priority Date: 08 July 2003

Attorney Docket No.: 1322-001

For: SPECTACLES FOR CORRECTING  
COLOR BLINDNESS

NOTIFICATION

This decision is in response to applicants' submission filed 14 February 2008 which includes, *inter alia*, a translation of the international application as filed.

### **BACKGROUND**

On 06 July 2004, applicants filed international application PCT/CN2004/000756 which designated the U.S. and claimed a priority date of 08 July 2003. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 13 January 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 09 January 2006 (08 January 2006 being a Sunday).

On 06 January 2006, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the Basic National Fee and a purported English translation of the international application.

On 10 April 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an executed oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b), the surcharge under 37 CFR 1.492(h), a translation of the international application into English, and the processing fee under 37 CFR 1.492(i) were required. The NOTIFICATION set a two-month extendable period for response.

On 10 July 2006, applicants filed an executed declaration of inventors, a purported translation of the international application into English, the surcharge under 37 CFR 1.492(h), and a petition/fee for a one-month extension of time.

On 27 December 2006, the DO/EO/US mailed a NOTIFICATION OF DEFECTIVE RESPONSE (Form PCT/DO/EO/916) indicating, *inter alia*, that the response filed 10 July 2006 was acknowledged but that the requirements set forth in the NOTIFICATION OF MISSING REQUIREMENTS mailed 10 April 2006 had not been met. Specifically, it was indicated that the declaration was not in compliance with 37 CFR 1.497(a)-(b) because three inventors are listed in the declaration while only two inventors are listed in the published international application and that the processing fee under 37 CFR 1.492(i) was not provided. This NOTIFICATION set a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the NOTIFICATION OF MISSING REQUIREMENTS mailed 10 April 2006, whichever was longer. This Notification also noted that no extension of this time limit may be granted under 37 CFR 1.136, but that the period for response set in the NOTIFICATION OF MISSING REQUIREMENTS mailed 10 April 2006 may be extended under 37 CFR 1.136(a).

On 17 April 2007, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS.

On 21 December 2007, applicants filed a submission which included a petition under 37 CFR 1.137(b) and a declaration of inventors.

On 15 January 2008, a decision was mailed granting applicants' petition under 37 CFR 1.137(b). The decision also noted, however, that an English translation of the international application had not yet been submitted (only a translation of the published priority document CN03127614.8 filed 08 July 2003 had been submitted).

On 14 February 2008, applicants filed the instant submission.

### DISCUSSION

The English translation of the international application submitted 14 February 2008 appears to be sufficient.

The declaration of inventors filed 21 December 2007 is in compliance with 37 CFR 1.497(a)-(b).

**CONCLUSION**

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

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